

EXHIBIT E

From: [Michael Wynne](#)
To: [Coley, Timothy J. \(CRM\)](#)
Cc: [Murali, Michael \(CRM\)](#); [John Kinchen](#); [Roliff Purrington](#); [Jim Turner](#)
Subject: RE: United States v. Dustin Curry et. al., Case No.: 18-cr-00339
Date: Friday, January 14, 2022 4:24:59 PM

Timothy:

Defendant Clint Carr objects and will object throughout trial to any assertion that the attorney-client privilege ended when any of the CC Pharmacy entities stopped doing business. We also disagree that Judge Lake has made a ruling on the issue of privilege, as your prior motion sought release of recordings "subject to privilege assertion."

Moreover, I understand from your email below that your taint team has not reviewed any of the 270,378 files it now wishes to turn over to the prosecution team, despite having access to these files for over four years. Such a decision to turn over unreviewed documents is in itself objectionable, and also prevents us from reviewing the government's analysis concerning the potential application of the privilege to each individual document.

In any event, to the extent you do move for release of these 270,378 unreviewed files, please note our opposition clearly in the title of the Motion, rather than dropping it in a footnote.

Sincerely,

MICHAEL J. WYNNE

GREGOR | WYNNE | ARNEY, PLLC

Two Houston Center
909 Fannin, Suite 3800
Houston, Texas 77010

(713) 331- 2458 – Direct
(281) 450-7403 – Cell
(832) 390-2655 – Fax
mwynne@gwafirm.com

michael@michaeljwynne.com

From: Coley, Timothy J. (CRM) <Timothy.J.Coley@usdoj.gov>
Sent: Friday, January 7, 2022 10:14 AM
To: Michael Wynne <mwynne@gcfirm.com>
Cc: Murali, Michael (CRM) <Michael.Murali@usdoj.gov>; John Kinchen (jkinchen@hakllp.com) <jkinchen@hakllp.com>; Roliff Purrington <rpurr@comcast.net>; Jim Turner <jturner@gcfirm.com>
Subject: RE: United States v. Dustin Curry et. al., Case No.: 18-cr-00339

Mr. Wynne,

The Filter Team did not individually review these files for privilege; instead, we identified this document set based upon the identified custodian and/or location of the seizure. We did conduct a targeted review to determine whether any material from privilege holders other than CC Pharmacy is present. We did not identify any such documents, and any potentially privileged material we did identify appears to belong to CC Pharmacy. For your reference, attached is a list of CC Pharmacy attorneys we identified in the document set; we have not identified other attorneys in the document set.

The Government produced the vast majority of these documents—all but 18 of the 270,378 records—back in June 2020, and we have not received any privilege assertions to date. To the extent your client seeks to assert privilege over these materials on his behalf or any entity, considering the Court’s November 2, 2021 Order, please advise by January 14, 2021. If so, we will move the Court for authorization to release the documents. Thank you.

Timothy J. Coley
Trial Attorney, Fraud Section
U.S. Department of Justice (CRM)
Cell: 202-262-6631
Email: Timothy.J.Coley@usdoj.gov

From: Michael Wynne <mwynne@gcfirm.com>
Sent: Thursday, January 6, 2022 12:13 PM
To: Coley, Timothy J. (CRM) <Timothy.J.Coley@usdoj.gov>
Cc: Murali, Michael (CRM) <Michael.Murali@usdoj.gov>; John Kinchen (jkinchen@hakllp.com) <jkinchen@hakllp.com>; Roliff Purrington <rpurr@comcast.net>; Jim Turner <jturner@gcfirm.com>
Subject: [EXTERNAL] RE: United States v. Dustin Curry et. al., Case No.: 18-cr-00339

Timothy,

We received your email Monday morning and are diligently looking through these files, but we need a bit more detail and help from you. You indicate that you “have not identified any ostensible privilege holder other than CC Pharmacy.” Did you all review each of the 270K files and determine that all of them were potentially privileged? Or are these files just “hits” from a word search? If the latter, would you please share the word search terms with us asap? I am trying to find the best way to get through all of these files before your 1/14/22 deadline for pre-trial materials. We are under quite a time crunch.

Thank you in advance.

Best,

Michael Wynne

MICHAEL J. WYNNE

GREGOR | WYNNE | ARNEY, PLLC

Two Houston Center
909 Fannin, Suite 3800
Houston, Texas 77010

(713) 331- 2458 – Direct
(281) 450-7403 – Cell
(832) 390-2655 – Fax
mwynne@gwafirm.com

michael@michaeljwynne.com

Confidentiality Notice:

This electronic transmission (and/or the documents accompanying it) may contain confidential information belonging to the sender which is protected by the attorney-client privilege. This information is intended only for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this transmission in error, please immediately notify us by telephone to arrange for the destruction and/or return of the documents.

From: Coley, Timothy J. (CRM) <Timothy.J.Coley@usdoj.gov>

Sent: Tuesday, January 4, 2022 8:53 AM

To: Michael Wynne <mwynne@gcfirm.com>

Cc: Murali, Michael (CRM) <Michael.Murali@usdoj.gov>

Subject: United States v. Dustin Curry et. al., Case No.: 18-cr-00339

Good Morning Counsel,

I am the filter attorney in the above-referenced matter from the Special Matters Unit of the Fraud Section. I write regarding material seized from the CC Pharmacy premises and previously produced to you on June 4, 2020, September 14, 2021, and December 14, 2021.

Attached is a spreadsheet containing bates ranges and other identifying information for the 270,378 files where we have not identified any ostensible privilege holder other than CC Pharmacy. In light of the Court's November 2, 2021 Order [Dkt 170], we do not believe that any viable privilege attaches to this material, and as such, we intend to release it to the prosecution team in this matter.

By January 14, 2022, please advise if your clients contest this release – we can be available for a call if you would like to discuss. If you object, we will move the Court for authorization to release the documents. Thank you.

Timothy J. Coley
Trial Attorney, Fraud Section
U.S. Department of Justice (CRM)
Cell: 202-262-6631
Email: Timothy.J.Coley@usdoj.gov